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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/802,163
Filing Date: March 16, 2004
Appellant(s): KASIVISWANATHAN ET AL.

Ashok K. Mannava
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/27/08 appealing from the Office action mailed 01/28/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ofir et al (Ofir hereinafter, US PAT: 7,219,149).

Re claims 1, 2-4. Ofir discloses a method of handling a financial transaction in a transaction switch, the method comprising the steps of: receiving a primary transaction request from an initiator (see col.3 lines 37-41); identifying a host from a routing table for receiving the primary transaction request based on details provided in the primary transaction request (see fig.4 element 410, also see fig.5 element 510, also see col.24 lines 1-23); transmitting the primary transaction request to the identified host (i.e., the host receives the card authorization request, see col.30 lines 15-25, also see col.24 lines 14-24); receiving a response from the identified host (i.e., the host responds and the response is returned to the service node, see col.30 lines 18-22, also see fig.4 element 412), determining a need for transmitting the primary transaction request to

another host (i.e., **the Client Node selects a route to forward the transaction based on, in part, the service name, link capacity, configuration, and processor loading.** Assuming it is forwarded directly to a Service Node 25b, the Service Node 25b then forwards the transaction to the Financial Transaction Processor 36 according to the protocol used to interconnect the Host 36 and the Service Node 25b. The Host and Service Node are directly connected via a private line 34, see col.30 lines 5-20); and interpreting the response received and transmitting a final outcome back to the initiator (see fig.5 elements 530, 532 and 531, see col.14 lines 10-27, see col.30 lines 25-45) (see col.29 line 20-col.30 line 60, see the abstract and the summary of the invention).

Re claims 5, 6-9. Ofir discloses a method of handling a composite financial transaction in a transaction switch, the steps comprising: receiving a primary transaction request from an initiator (see col.3 lines 37-41); identifying the transaction as a composite transaction wherein the composite transaction comprises a transaction type and a payment type (i.e., Ofir states that the Terminal Adapter determines the appropriate Host to relay the financial transaction information based on information provided by the Network 33. Thus, if the information provided to network 33 states that the transaction is multi-host, inherently this transaction would be relayed to the appropriate hosts, see col.16 lines 60-67, also see simple transaction and sessions transaction col.15 line s 1-65); preparing a plurality of transaction packets for transmission to a plurality of hosts based on the transaction type and the payment type (see col. 29 line 45-col.30 line 25); receiving a plurality of responses at the switch from the plurality of hosts (i.e., the host responds and the response is returned to the service node, see col.30 lines 18-

22, also see fig.4 element 412), and interpreting the plurality of responses and transmitting a final outcome to the initiator (see col.30 lines 20-25) (see col.30 lines 25-45, see col.29 line 20-col.30 line 60, see the abstract and the summary of the invention).

Re claims 10, 11-12. Ofir further discloses a transaction switch comprising: means for processing a transaction request (see fig.1 –fig.4); means for identifying the transaction as multi-host (i.e., Ofir states that the Terminal Adapter determines the appropriate Host to relay the financial transaction information based on information provided by the Network 33. Thus, if the information provided to network 33 states that the transaction is multi-host, inherently this transaction would be relayed to the appropriate hosts, see col.16 lines 60-67, also see simple transaction and sessions transaction col.15 line s 1-65); means for identifying the transaction as composite (i.e., Ofir states that the Terminal Adapter determines the appropriate Host to relay the financial transaction information based on information provided by the Network 33. Thus, if the information provided to network 33 states that the transaction is multi-host, inherently this transaction would be relayed to the appropriate hosts, see col.16 lines 60-67, also see simple transaction and sessions transaction col.15 line s 1-65); means for identifying the transaction as both multi-host and composite (i.e., Ofir states that the Terminal Adapter determines the appropriate Host to relay the financial transaction information based on information provided by the Network 33. Thus, if the information provided to network 33 states that the transaction is multi-host, inherently this transaction would be relayed to the appropriate hosts, see col.16 lines 60-67, also see simple transaction and sessions

transaction col.15 line s 1-65); means for identifying a first host for processing the transaction (see col.14 lines 62-67, see fig.12A) ; and means for interpreting a response from the host after processing the transaction and determining a need for further processing (see fig.5 elements 530, 532 and 531, see col.14 lines 10-27, col.30 lines 20-25) (see col.30 lines 25-45, see col.29 line 20-col.30 line 60, see the abstract and the summary of the invention).

Re claims 13, 14-17. Ofir discloses a financial transaction handling system comprising: an initiator for initiating a primary transaction request (see fig.12b element 1289); a transaction switch in communication with the initiator (see fig.1 element 24); and at least one host in communication with the transaction switch for processing the transaction request (see fig.4 element 404 and fig.5 element 504); wherein the transaction switch comprises: means for processing the primary transaction request (see fig.3-fig.5, also see col.3 lines 35-60); means for identifying the primary transaction request as multi-host or composite or both type of request (see col.30 lines 1-15, also see col.29 lines 55-65); means for identifying the at least one host for sending the primary transaction request thereto (see col.29 lines 62-66, also see col.30 lines 8-20, also see fig.5 element 510) ; and means for interpreting a response from the at least one host and determining a need for further processing (see col.30 lines 20-25) (see col.30 lines 25-45, see col.29 line 20-col.30 line 60, see the abstract and the summary of the invention).

Re claims 18, 19. Ofir further discloses a program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to

perform method steps for handling a financial transaction in a transaction switch (see the abstract and the summary of the invention), the method steps comprising the steps of: receiving a primary transaction request from an initiator (see col.3 lines 37-41); identifying a host from a routing table for receiving the primary transaction request based on details provided in the primary transaction request (see fig.4 element 410, also see fig.5 element 510); transmitting the primary transaction request to the identified host (i.e., the host receives the card authorization request, see col.30 lines 15-25); receiving a response from the identified host (i.e., the host responds and the response is returned to the service node, see col.30 lines 18-22, also see fig.4 element 412), determining a need for transmitting the primary transaction request to another host; and interpreting the response received and transmitting a final outcome back to the initiator (see col.30 lines 25-45) (see col.29 line 20-col.30 line 60, see the abstract and the summary of the invention).

(10) Response to Argument

In response to the appellant's argument concerning the 35 U.S.C 112th, Second Paragraph rejection of claims 1-19. The appellant's argument, in the brief, concerning the above referenced rejection is persuasive. The examiner hereby withdraws the 35 U.S.C 112th, second paragraph rejection of claims 1-19 in this examiner's answer.

In response to the appellant's argument concerning the 35 U.S.C 102(e) rejection of claims 1 and 18. The appellant argues in substance that Ofir fails to teach the claimed limitation " determining a need for transmitting the primary transaction

request to another host." Contrary to the applicant's assertion, Ofir explicitly makes this disclosure (i.e., **the Client Node selects a route to forward the transaction based on, in part, the service name, link capacity, configuration, and processor loading.** Assuming it is forwarded directly to a Service Node 25b, the Service Node 25b then forwards the transaction to the Financial Transaction Processor 36 according to the protocol used to interconnect the Host 36 and the Service Node 25b. The Host and Service Node are directly connected via a private line 34, see col.30 lines 5-20).

In response to the appellant's argument concerning the 35 U.S.C 102(e) rejection of claims 4 and 19. The appellant further argues that Ofir fails to teach the claimed limitation "determining the need for transmitting the primary transaction request to another host based on at least one of a payment type in the primary transaction request, a transaction type in the primary transaction request and a response code in the response in the response received from the identified host. Contrary to the appellant's assertion, Ofir determines the appropriate node to which to forward the request to based on the service name, link capacity, configuration and processor loading. (see col.30 lines 1-20). Thus, since service name contains the address associated with a particular transaction type, and since Ofir determines the appropriate node to which to transmit the request to based on the service name et cetera, Ofir teaching of determining the appropriate node to which to forward the request to based on the service name is akin to the claimed limitation of determining the need for transmitting the primary transaction request to another host based on at least one of a payment type in the primary transaction request, a transaction type in the primary

transaction. The appellant further discloses that Ofir fails to teach the claimed limitation "transmitting a request reversing the primary transaction," as recited in claims 4 and 9 The examiner contends that Ofir discloses transaction transmission error detection and correction (see fig.10 elements 1004, 1006, 1008, and 1010 and col.20 lines 50-67). Thus, Ofir can inherently use the transmission error correction capability of his system to transmit a request reversing the primary transaction request.

In response to the appellant's argument concerning the 35 U.S.C 102(e) rejection of claim 5. The appellant further argues that Ofir fails to teach the claimed limitation: preparing a plurality of transaction packets for transmission to a plurality of hosts based on the transaction type and the payment type; receiving a plurality of responses at the switch from the plurality of hosts, and interpreting the plurality of responses and transmitting a final outcome to the initiator. First, Ofir discloses a plurality of hosts (see fig.12 A elements 1293, see fig.5 element 510 "route simple request to nearest, least busy host." Note if there is only one host then why route to the nearest and least busy host as stated in fig.5 element 510, certainly this is an evidentiary statement that Ofir teaches plurality of hosts). Ofir further discloses preparing a plurality of transaction packets for transmission to a plurality of hosts based on the transaction type and the payment type (i.e., Once this is accomplished, **the Terminal Adapter is prepared to handle terminal transactions**. It synchronizes its transaction counter (if required) with the Client Node 25a and is authenticated by the Client Node using the aforementioned techniques. The authentication procedures also provide a session token to the Terminal Adapter allowing proper encrypting and decrypting of

transactional information. Once completed, the Terminal Adapter is ready to process transactions from the Card Reader 2. In this illustration, upon detecting a card swipe, the Card Reader 2 initiates a phone call and the Terminal Adapter emulates the necessary telephone signals so that a connection is established between the card reader and Terminal Adapter. From the card reader's perspective, it appears to have established a telephone call. The Terminal Adapter queries the Card Reader using an ENQ (e.g., ASCII ENQ character) message to solicit a response message. Upon receipt of the response message, the Terminal Adapter parses the message and selects the appropriate protocol for interacting with the Card Reader. **The Terminal Adapter also selects an appropriate service name that identifies a destination Host processor and transaction type**, which is a simple transaction type in this illustration, see col.29 line 45-col.30 line25). The appellant acknowledges that Ofir discloses a transaction type in col.29 lines 64-67, but goes on to argue that Ofir does not consider payment type when sending the request to the service node or the host. Contrary to the appellant's assertion, the examiner contends that Ofir explicitly considers payment type when sending the request to the service node or the host (please see fig.12 A, which shows the transaction type, protocol/payment type and the destination host). Besides, the transaction type inherently encompasses the payment type. Ofir further explicitly discloses receiving a plurality of responses at the switch from the plurality of hosts (i.e., the host responds and the response is returned to the service node, see col.30 lines 18-22, also see fig.4 element 412), and interpreting the plurality of responses and transmitting a final outcome to the initiator (i.e., The Host receives the card authorization

request, responds, and the response is returned to the Service Node that typically encrypts the information and routes the response back to the Client Node 25a, then to the Terminal Adapter 14, and then the card reader 2. This illustrates some aspects of a normal card authorization procedure, see col.30 lines 20-25)

In response to the appellant's argument concerning the 35 U.S.C 102(e) rejection of claims 10 and13. The appellant further argues that Ofir fails to teach the claimed limitations: means for identifying the primary transaction request as multi-host, means for identifying the transaction as composite, and means for identifying the transaction as both multi-host and composite. Contrary to the applicant's assertion, Ofir states that the Terminal Adapter determines the appropriate Host to relay the financial transaction information based on information provided by the Network 33. Thus, if the information provided to network 33 clearly states that the transaction is multi-host, composite or both, then inherently Ofir's terminal adapter would relay this information to the appropriate hosts.

In response to the appellant's argument concerning the 35 U.S.C 102(e) rejection of claims 10 and13. The appellant further argues that Ofir fails to teach the claimed limitation: identifying the payment type. The appellant acknowledges that Ofir discloses a transaction type in col.29 lines 64-67, but goes on to argue that Ofir does not consider payment type. Contrary to the appellant's assertion, the examiner contends that Ofir explicitly identifies the payment type (please see fig.12 A, which shows the transaction type, protocol/payment type and the destination host). Lastly, the appellant argues that Ofir fails to teach a request for reversing a primary transaction. The

examiner contends that Ofir discloses transaction transmission error detection and correction (see fig.10 elements 1004, 1006, 1008, and 1010 and col.20 lines 50-67). Thus, Ofir can inherently use the transmission error correction capability of his system to transmit a request reversing the primary transaction request.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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